



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: AUGUST 22, 2022

IN THE MATTER OF:

Appeal Board No. 623060

PRESENT: MARILYN P. O'MARA, MEMBER

In Appeal Board No. 623060, the claimant appeals from the decision of the Administrative Law Judge filed April 7, 2022 that held the initial determination disqualifying the claimant from receiving benefits, effective December 9, 2021, on the basis that the claimant lost employment through misconduct in connection with that employment and holding that the wages paid to the claimant by prior to December 9, 2021 cannot be used toward the establishment of a claim for benefits, academic, and sustained an added initial determination disqualifying the claimant from receiving benefits, effective December 9, 2021, on the basis that the claimant voluntarily separated from employment without good cause.

In Appeal Board No. 623061, the claimant appeals from the decision of the Administrative Law Judge

filed April 7, 2022, that sustained the initial determination holding the claimant ineligible to receive benefits, effective December 20, 2021, on the basis that the claimant did not comply with registration requirements.

At the combined telephone conference hearing before the Administrative Law Judge testimony was taken. There were appearances by the claimant and on behalf of the employer.

In Appeal Board No. 623061, we have reviewed the entire record and have considered the testimony and other evidence. It appears that no errors of fact or law have been made concerning the issue of registration. The findings of fact and the opinion of the Administrative Law Judge are fully supported by

the record and, therefore, are adopted as the findings of fact and the opinion of the Board.

In Appeal Board No. 623060, our review of the record reveals that the case should be remanded to hold a further hearing. At the hearing the Judge considered and ruled upon the legal issue of voluntary separation without providing the parties notice that he was considering the issue. The Board finds that there is good cause to consider this issue. At the further hearing, the parties may produce any other relevant testimony or other evidence relating to this issue.

DECISION: In Appeal Board No. 623061, the decision of the Administrative Law Judge, insofar as it sustained the initial determination of failure to comply with registration requirements, is affirmed.

The initial determination, holding the claimant ineligible to receive benefits, effective December 20, 2021, on the basis that the claimant did not comply with registration requirements, is sustained.

The claimant is denied benefits with respect to the issue decided herein.

In Appeal Board No. 623060, the decision of the Administrative Law Judge, insofar as it sustained the added initial determination of voluntarily separation from employment without good cause, is rescinded.

Now, based on all of the foregoing, it is

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issues of misconduct and voluntary separation of employment without good cause, only, upon due notice to all parties and their representatives; and it is further

ORDERED, that the Notice of Hearing shall identify as the Purpose of Hearing the remanded issues of misconduct and voluntary separation of employment without good cause, only; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and so that at the end of the hearing all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the remanded issues only, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

MARILYN P. O'MARA, MEMBER